

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No. 38934 of 2012

ORDER:

Heard Mr. O. Manohar Reddy for petitioners, Mr. Nimmagadda Venkateshwarlu for 1st Respondent, and Mr. Nimmagadda Satyanarayana, for Respondent No.3.

2. The petitioner challenges communication ROC No.203/2012/ G1, dt.06.12.2012 as illegal, arbitrary and contrary to Section 194 of Andhra Pradesh Municipalities Act, (for short 'the Act'). The 1st Respondent through the notice impugned in the writ petition has called upon the petitioners to remove the constructions covered beyond the red mark in portion of and report compliance.

3. Mr. Manohar Reddy contends firstly that the impugned notice is issued based on a survey conducted by Tahasildar, Jangareddygudem, and secondly, the survey was carried out behind back of the petitioner. The respondents ought not to have relied upon such report to record final conclusions on the complaint received by the 1st Respondent from 3rd Respondent on alleged encroachments. Therefore, he prays for setting aside the notice impugned in the writ petition.

4. The learned Standing Counsel contends that this Court issued directions in W.P.No.18692 of 2012 for disposing of the

representation filed by the 3rd Respondent and steps are initiated in compliance with the directions issued by this Court. According to him, a comprehensive survey was conducted and the findings of alleged encroachment are recorded on being satisfied with the legality of the survey. Firstly, he prays for dismissing the writ petition, and alternatively, he submits that if the procedure complained by the petitioner is required to be followed in the case on hand, the 1st Respondent with a view to comply with the directions already issued by this Court, has no objection to treat the notice impugned, as a notice issued as per Section 192 of the Act, receive objections, conduct enquiry, as warranted in the fact situation of the case, and dispose of the grievance of the 3rd Respondent.

5. This Court places on record the statement of the learned Standing Counsel and dispose of the writ petition by this order, as under:

(a) The notice impugned in the writ petition shall be treated as a notice issued under Section 192 of the Act;

(b) The petitioners are given four weeks time from today to file explanation and raise objections against the notice impugned;

(c) The 1st Respondent to ensure fairness in action after receiving objections from the petitioner

petitioners, conducts survey in the presence of the parties; and passes an order within a period of four weeks thereafter.

6. Till a decision is taken and communicated to the petitioners, the interim order dt. 18.12.2012, granted by this Court is directed to be maintained.

7. The writ petition is accordingly disposed of. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

January 18, 2017

*Note: Communicate C.C.
in One week. (bo)
Kv*



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Dated: January 18, 2017

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